

ENTERED

May 23, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PHH MORTGAGE	§ CIVIL ACTION NO
CORPORATION,	§ 4:24-cv-03111
Plaintiff,	§
	§
	§
vs.	§ JUDGE CHARLES ESKRIDGE
	§
	§
BERNICE ATKINS,	§
Defendant.	§

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Defendant Bernice Atkins executed a promissory note secured by collateral property. A notice of default and acceleration of loan maturity was sent via certified mail after repeated failure to make payments with no cure. Plaintiff PHH Mortgage Corporation brought this action for declaratory judgment, enforcement of statutory probate lien, and non-judicial foreclosure. Dkt 1. The matter was referred to Magistrate Judge Dena Palermo. Dkt 8.

Defendant has never appeared despite service. Dkt 7. Default has previously been entered. Dkt 11. Pending is a motion by Plaintiff now seeking default judgment against Defendant. Dkt 14. Also pending is a Report and Recommendation by Judge Palermo dated April 3, 2025. Dkt 15. She recommends that (i) the motion be granted, and (ii) final judgment be entered against Defendant.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC §636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other

portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

No party filed objections. No clear error otherwise appears upon review and consideration of the Report and Recommendation, the record, and the applicable law.

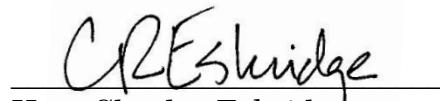
The Report and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 15.

The motion by Plaintiff PHH Mortgage Corporation for default judgment is GRANTED. Dkt 14.

A final judgment will enter separately in accordance with the terms set out in the Report and Recommendation. See Dkt 15 at 14–15.

SO ORDERED.

Signed on May 23, 2025, at Houston, Texas.



Hon. Charles Eskridge
United States District Judge